

CHAPTER 328

ELECTIONS

HOUSE BILL 19-1318

BY REPRESENTATIVE(S) Weissman, Kennedy, Arndt, Bird, Buckner, Buentello, Cutter, Duran, Exum, Galindo, Gonzales-Gutierrez, Herod, Hooton, Jackson, Jaquez Lewis, Kipp, McCluskie, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Titone, Valdez A., Gray, Lontine, McLachlan, Tipper;
also SENATOR(S) Bridges and Foote, Danielson, Donovan, Fenberg, Ginal, Moreno, Pettersen, Winter, Garcia.

AN ACT

CONCERNING INCREASED TRANSPARENCY OF MONEY IN ELECTIONS CONSISTENT WITH THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 1-45-103, **amend** the introductory portion and (7.5); and **repeal and reenact, with amendments**, (16.3) as follows:

1-45-103. Definitions - repeal. As used in this ~~article~~ ARTICLE 45, unless the context otherwise requires:

(7.5) "Earmark" means a designation, instruction, or encumbrance that directs the transmission AND USE by the recipient of all or part of a donation to a third party for the purpose of making one or more independent expenditures OR ELECTIONEERING COMMUNICATIONS in excess of one thousand dollars.

(16.3) (a) "SMALL-SCALE ISSUE COMMITTEE" MEANS AN ISSUE COMMITTEE THAT HAS ACCEPTED OR MADE CONTRIBUTIONS OR EXPENDITURES IN AN AMOUNT THAT DOES NOT EXCEED FIVE THOUSAND DOLLARS DURING AN APPLICABLE ELECTION CYCLE FOR THE MAJOR PURPOSE OF SUPPORTING OR OPPOSING ANY BALLOT ISSUE OR BALLOT QUESTION.

(b) THE FOLLOWING ARE TREATED AS A SINGLE SMALL-SCALE ISSUE COMMITTEE:

(I) ALL SMALL-SCALE ISSUE COMMITTEES THAT SUPPORT OR OPPOSE A COMMON BALLOT MEASURE IF THE COMMITTEES ARE ESTABLISHED, FINANCED, MAINTAINED,

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

OR CONTROLLED BY A SINGLE CORPORATION OR ITS SUBSIDIARIES;

(II) ALL SMALL-SCALE ISSUE COMMITTEES THAT SUPPORT OR OPPOSE A COMMON BALLOT MEASURE IF THE COMMITTEES ARE ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A SINGLE LABOR ORGANIZATION OR THE AFFILIATED LOCAL UNITS IT DIRECTS; OR

(III) ALL SMALL-SCALE ISSUE COMMITTEES THAT SUPPORT OR OPPOSE A COMMON BALLOT MEASURE IF THE COMMITTEES ARE ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY SUBSTANTIALLY THE SAME PERSON, GROUP OF PERSONS, OR OTHER ORGANIZATIONS.

SECTION 2. In Colorado Revised Statutes, 1-45-103.7, **add** (5.3), (5.5), and (11) as follows:

1-45-103.7. Contribution limits - treatment of independent expenditure committees - contributions from limited liability companies - voter instructions on spending limits - definitions. (5.3) AN ISSUE COMMITTEE OR SMALL-SCALE ISSUE COMMITTEE SHALL NOT KNOWINGLY ACCEPT CONTRIBUTIONS FROM:

(a) ANY NATURAL PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES;

(b) A FOREIGN GOVERNMENT; OR

(c) ANY FOREIGN CORPORATION THAT DOES NOT HAVE THE AUTHORITY TO TRANSACT BUSINESS IN THIS STATE PURSUANT TO ARTICLE 115 OF TITLE 7 OR ANY SUCCESSOR SECTION.

(5.5) A NATURAL PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES, A FOREIGN GOVERNMENT, OR A FOREIGN CORPORATION SHALL NOT ESTABLISH, REGISTER, OR MAINTAIN A POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, POLITICAL PARTY, ISSUE COMMITTEE, OR SMALL-SCALE ISSUE COMMITTEE, OR MAKE AN ELECTIONEERING COMMUNICATION OR REGULAR BIENNIAL SCHOOL ELECTIONEERING COMMUNICATION.

(11)(a) IF, WITHIN THE SIX MONTHS BEFORE BECOMING A CANDIDATE FOR PUBLIC OFFICE, A PERSON ACTIVELY SOLICITS FUNDS FOR AN INDEPENDENT EXPENDITURE COMMITTEE WITH THE INTENT OF BENEFITING HIS OR HER FUTURE CANDIDACY, ANY EXPENDITURE MADE BY THAT INDEPENDENT EXPENDITURE COMMITTEE IN THAT CANDIDATE'S RACE IS PRESUMED TO BE CONTROLLED BY OR COORDINATED WITH THAT CANDIDATE AND DEEMED TO CONSTITUTE BOTH A CONTRIBUTION BY THE MAKER OF THE EXPENDITURES, AND AN EXPENDITURE BY THE CANDIDATE COMMITTEE.

(b) IF ANY COMPLAINT FILED UNDER SECTION 1-45-111.7 FOR A VIOLATION OF THIS SUBSECTION (11) FAILS TO STATE SUFFICIENT FACTS TO SUPPORT THE ALLEGATIONS OF THE COMPLAINT, UPON A FINAL AGENCY ACTION, THE RESPONDENT TO SUCH A COMPLAINT MAY APPLY TO THE STATE DISTRICT COURT FOR AN AWARD OF THE PERSON'S ATTORNEYS FEES AND COSTS IN CONNECTION WITH DEFENDING AGAINST THE COMPLAINT IF THE DISTRICT COURT DETERMINES THAT THE COMPLAINT WAS FRIVOLOUS, VEXATIOUS, OR FOR THE PURPOSE OF HARASSMENT.

SECTION 3. In Colorado Revised Statutes, 1-45-107.5, **amend** (1) and (5); and **add** (14) as follows:

1-45-107.5. Independent expenditures - restrictions on foreign corporations - registration - disclosure - disclaimer requirements - definitions.

(1) Notwithstanding any other provision of law, no NATURAL PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES, FOREIGN GOVERNMENT, OR foreign corporation may expend moneys on an independent expenditure in connection with an election in the state, AND NO INDEPENDENT EXPENDITURE COMMITTEE MAY KNOWINGLY ACCEPT A DONATION FROM ANY NATURAL PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES, ANY FOREIGN GOVERNMENT, OR ANY FOREIGN CORPORATION.

(5) (a) In addition to any other applicable requirements provided by law, and subject to the provisions of this section, any communication that is broadcast, printed, mailed, delivered; PLACED ON A WEBSITE, STREAMING MEDIA SERVICE, OR ONLINE FORUM FOR A FEE; or THAT IS ~~otherwise circulated~~ DISTRIBUTED that constitutes an independent expenditure for which the person making the independent expenditure expends in excess of one thousand dollars on the communication shall include in the communication a statement that:

(I) The communication has been "paid for by (full name of the person paying for the communication)"; and

(II) Identifies a natural person who is the registered agent if the person identified in ~~subparagraph (I) of this paragraph (a)~~ SUBSECTION (5)(a)(I) OF THIS SECTION is not a natural person.

(b) In the case of a broadcast OR ONLINE VIDEO OR AUDIO communication, the statement required by ~~paragraph (a) of this subsection (5)~~ SUBSECTION (5)(a) OF THIS SECTION shall satisfy all applicable requirements promulgated by the federal communications commission for size, duration, and placement.

(c) In the case of a nonbroadcast communication, INCLUDING AN ONLINE COMMUNICATION, the secretary of state shall, by rule, establish size and placement requirements for the disclaimer STATEMENT. IF THE SIZE, FORMAT, OR DISPLAY REQUIREMENTS OF THE COMMUNICATION MAKE IT IMPRACTICABLE TO INCLUDE A DISCLAIMER STATEMENT ON THE COMMUNICATION, THE RULES MUST REQUIRE THAT THE DISCLAIMER STATEMENT BE AVAILABLE BY MEANS OF A DIRECT LINK FROM THE COMMUNICATION TO THE WEB PAGE OR APPLICATION SCREEN CONTAINING THE STATEMENT.

(14) (a) ANY COVERED ORGANIZATION THAT CONTRIBUTES, DONATES, OR TRANSFERS TEN THOUSAND DOLLARS OR MORE TO ANY PERSON, EARMARKED FOR THE PURPOSE OF MAKING AN INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION, DURING ANY ONE CALENDAR YEAR, SHALL PROVIDE TO THE RECIPIENT OF THE CONTRIBUTION, DONATION, OR TRANSFER AN AFFIRMATION, IN WRITING, THAT INCLUDES THE INFORMATION LISTED IN SUBSECTION (14)(d) OF THIS SECTION. AFTER REACHING THE TEN THOUSAND DOLLAR THRESHOLD, THE COVERED ORGANIZATION SHALL PROVIDE A NEW AFFIRMATION STATEMENT FOR EACH QUALIFYING SUBSEQUENT CONTRIBUTION, DONATION, OR TRANSFER DURING THAT CALENDAR YEAR.

(b) ANY COVERED ORGANIZATION THAT TRANSFERS TEN THOUSAND DOLLARS OR MORE TO ANY PERSON, EARMARKED FOR THE PURPOSE OF THAT PERSON MAKING A CONTRIBUTION, DONATION, OR TRANSFER TO PAY FOR AN INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION, DURING ANY ONE CALENDAR YEAR, SHALL PROVIDE TO THE RECIPIENT OF THE TRANSFER AN AFFIRMATION, IN WRITING, THAT INCLUDES THE INFORMATION LISTED IN SUBSECTION (14)(d) OF THIS SECTION. AFTER REACHING THE TEN THOUSAND DOLLAR THRESHOLD, THE COVERED ORGANIZATION SHALL PROVIDE A NEW AFFIRMATION STATEMENT FOR EACH QUALIFYING SUBSEQUENT TRANSFER DURING THAT CALENDAR YEAR.

(c) A PERSON SHALL NOT ACCEPT A CONTRIBUTION, DONATION, OR TRANSFER AS DESCRIBED IN SUBSECTION (14)(a) OR (14)(b) OF THIS SECTION FROM A COVERED ORGANIZATION UNLESS THE COVERED ORGANIZATION PROVIDES A WRITTEN AFFIRMATION TO THE RECIPIENT SATISFYING THE REQUIREMENTS OF SUBSECTION (14)(d) OF THIS SECTION. THE RECIPIENT SHALL INCLUDE THE WRITTEN AFFIRMATION WHEN REPORTING THE INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION TO THE APPROPRIATE FILING OFFICER AND SHALL RETAIN THE WRITTEN AFFIRMATION FOR NOT LESS THAN ONE YEAR FOLLOWING THE DATE OF THE END OF THE ELECTION CYCLE DURING WHICH THE AFFIRMATION WAS RECEIVED.

(d) THE AFFIRMATION REQUIRED BY THIS SUBSECTION (14) MUST INCLUDE:

(I) THE NAME OF THE COVERED ORGANIZATION AND ITS PRINCIPAL PLACE OF BUSINESS;

(II) THE AMOUNT OF THE CONTRIBUTION, DONATION, OR TRANSFER AND THE NAME OF THE PERSON WHO RECEIVED THE CONTRIBUTION, DONATION, OR TRANSFER;

(III) (A) IF THE COVERED ORGANIZATION IS A FOR-PROFIT CORPORATION, EACH BENEFICIAL OWNER'S NAME AND CURRENT RESIDENCE OR BUSINESS ADDRESS AND, IF A LISTED BENEFICIAL OWNER EXERCISES CONTROL OVER THE ENTITY THROUGH ANOTHER LEGAL ENTITY, SUCH AS A CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY, OR TRUST, EACH SUCH OTHER LEGAL ENTITY AND EACH SUCH BENEFICIAL OWNER WHO WILL USE THAT OTHER ENTITY TO EXERCISE CONTROL OVER THE ENTITY.

(B) FOR PURPOSES OF THIS SUBSECTION (14)(d)(III), "BENEFICIAL OWNER" MEANS A CORPORATION'S OFFICERS, DIRECTORS, AND OWNERS OF MORE THAN FIVE PERCENT OF THE CORPORATION.

(IV) (A) IF THE COVERED ORGANIZATION IS NOT A FOR-PROFIT CORPORATION BUT IS SUBJECT TO DISCLOSURE UNDER SUBSECTION (14)(a) OR (14)(b) OF THIS SECTION, A LIST OF ANY PERSON WHO TRANSFERRED FIVE THOUSAND DOLLARS OR MORE TO THE COVERED ORGANIZATION AND WHO EARMARKED THAT TRANSFER OF FUNDS FOR THE PURPOSE OF MAKING AN INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION AS DETERMINED BY THE EARLIER OF EITHER THE PRECEDING TWELVE-MONTH PERIOD THAT ENDS ON THE DATE OF THE TRANSMISSION OF THE INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION OR THAT ENDS ON THE DATE OF THE TRANSFER.

(B) A COVERED ORGANIZATION IS NOT REQUIRED TO INCLUDE A NATURAL

PERSON'S NAME IF DISCLOSURE OF THAT PERSON WOULD LEAD TO A REASONABLE PROBABILITY OF HARM, THREATS, HARASSMENT, OR REPRISALS TO THE PERSON OR TO INDIVIDUALS AFFILIATED WITH THAT PERSON.

(C) A COVERED ORGANIZATION MAY ONLY REDACT A PERSON'S NAME FROM ITS REPORT UNDER SUBSECTION (14)(d)(IV)(B) OF THIS SECTION IF THE PERSON HAS AFFIRMED ON A FORM PROVIDED BY THE SECRETARY OF STATE, UNDER OATH, THAT THE PERSON BELIEVES THERE IS A REASONABLE PROBABILITY THAT THEY WILL BE SUBJECT TO HARM, THREATS, HARASSMENT, OR REPRISAL IF DISCLOSED. THE COVERED ORGANIZATION SHALL RETAIN THE AFFIRMATION FOR NOT LESS THAN ONE YEAR AND SHALL PRODUCE THE AFFIRMATION TO THE SECRETARY OF STATE'S OFFICE IN RESPONSE TO A REQUEST FOR INFORMATION RELATED TO ANY INVESTIGATION OF A CAMPAIGN FINANCE VIOLATION. THE AFFIRMATION MUST REMAIN CONFIDENTIAL DURING THE PENDENCY OF ANY INVESTIGATION AND COMPLAINT WITH A HEARING OFFICER UNDER SECTION 1-45-117.5. FOLLOWING A FINAL AGENCY DECISION FINDING THAT THE INDIVIDUAL WHOSE NAME WAS REDACTED DOES NOT MEET THE REQUIREMENTS OF THIS SUBSECTION (14)(d)(IV)(C), INCLUDING THE APPLICABLE PERIOD FOR APPEAL, THE AFFIRMATION IS NO LONGER CONFIDENTIAL AND IS SUBJECT TO PUBLIC REVIEW.

(D) IF THE CONTRIBUTION, DONATION, OR TRANSFER UNDER SUBSECTION (14)(a) OR (14)(b) OF THIS SECTION IS FROM ANOTHER COVERED ORGANIZATION, THE COVERED ORGANIZATION SHALL PROVIDE A LIST OF PERSONS WHO TRANSFERRED TO THAT COVERED ORGANIZATION CONSISTENT WITH SUBSECTIONS (14)(d)(IV)(B) AND (14)(d)(IV)(C) OF THIS SECTION.

(V) A COVERED ORGANIZATION NEED NOT INCLUDE A TRANSFER MADE FOR A COMMERCIAL TRANSACTION IN THE ORDINARY COURSE OF ANY TRADE OR BUSINESS CONDUCTING BY THE COVERED ORGANIZATION.

(VI) A CERTIFICATION BY THE CHIEF EXECUTIVE OFFICER OR PERSON WHO IS THE HEAD OF THE COVERED ORGANIZATION STATING THAT THE CONTRIBUTION, DONATION, OR TRANSFER IS NOT MADE IN COOPERATION, CONSULTATION, OR CONCERT WITH OR AT THE REQUEST OR SUGGESTION OF A CANDIDATE, AUTHORIZED COMMITTEE, OR AGENT OF A CANDIDATE, POLITICAL PARTY, OR AGENT OF A POLITICAL PARTY.

(e) FOR PURPOSES OF THIS SUBSECTION (14), "COVERED ORGANIZATION" MEANS A CORPORATION, INCLUDING AN ENTITY ORGANIZED UNDER SECTION 501(c) OR 527 OF THE INTERNAL REVENUE CODE, A LABOR ORGANIZATION, OR AN INDEPENDENT EXPENDITURE COMMITTEE. IT DOES NOT INCLUDE A SMALL DONOR COMMITTEE, POLITICAL PARTY COMMITTEE, OR CANDIDATE COMMITTEE.

(f) FOR PURPOSES OF THIS SUBSECTION (14), "TRANSFER", "DONATE", OR "CONTRIBUTE" DOES NOT INCLUDE THE PROVISION OF FUNDS TO A VENDOR OR IN PAYMENT OF A CONTRACT FOR GOODS OR SERVICES.

SECTION 4. In Colorado Revised Statutes, 1-45-108, **repeal and reenact, with amendments**, (1.5); and **add** (8) as follows:

1-45-108. Disclosure - definition - repeal. (1.5) NOTWITHSTANDING ANY OTHER

PROVISION OF LAW, IN LIGHT OF THE OPINION OF THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT IN THE CASE OF *COALITION FOR SECULAR GOVERNMENT V. WILLIAMS*, NO. 14-1469 (10TH CIRCUIT MARCH 2, 2016), THAT AFFIRMED THE ORDER OF THE FEDERAL DISTRICT COURT IN THE CASE OF *COALITION FOR SECULAR GOV'T V. GESSLER*, CASE NO. 12 CV 1708, THE DISCLOSURE REQUIREMENTS SPECIFIED IN SUBSECTION (1)(a)(I) OR (1)(a)(II) OF THIS SECTION AND THE REPORTING REQUIREMENTS SPECIFIED IN SUBSECTION (3.3) OR (6) OF THIS SECTION SHALL NOT APPLY TO A SMALL-SCALE ISSUE COMMITTEE. A SMALL-SCALE ISSUE COMMITTEE SHALL DISCLOSE OR FILE REPORTS ABOUT THE CONTRIBUTIONS OR EXPENDITURES IT HAS MADE OR RECEIVED OR OTHERWISE REGISTER AS AN ISSUE COMMITTEE IN CONNECTION WITH ACCEPTING OR MAKING SUCH CONTRIBUTIONS OR EXPENDITURES IN ACCORDANCE WITH THE FOLLOWING ALTERNATIVE REQUIREMENTS:

(a) A SMALL-SCALE ISSUE COMMITTEE THAT ACCEPTS OR MAKES CONTRIBUTIONS OR EXPENDITURES IN AN AGGREGATE AMOUNT DURING ANY APPLICABLE ELECTION CYCLE THAT DOES NOT EXCEED TWO HUNDRED DOLLARS IS NOT REQUIRED TO DISCLOSE OR FILE REPORTS ABOUT THE CONTRIBUTIONS OR EXPENDITURES IT HAS MADE OR RECEIVED OR OTHERWISE REGISTER AS AN ISSUE COMMITTEE IN CONNECTION WITH ACCEPTING OR MAKING SUCH CONTRIBUTIONS OR EXPENDITURES.

(b) (I) A SMALL-SCALE ISSUE COMMITTEE THAT ACCEPTS OR MAKES CONTRIBUTIONS OR EXPENDITURES IN AN AGGREGATE AMOUNT DURING ANY APPLICABLE ELECTION CYCLE OF BETWEEN TWO HUNDRED DOLLARS AND FIVE THOUSAND DOLLARS SHALL REGISTER WITH THE APPROPRIATE OFFICER WITHIN TEN BUSINESS DAYS OF THE DATE ON WHICH THE AGGREGATE AMOUNT OF CONTRIBUTIONS OR EXPENDITURES EXCEEDS TWO HUNDRED DOLLARS. THE REGISTRATION REQUIRED BY THIS SUBSECTION (1.5)(b)(I) MUST INCLUDE A STATEMENT LISTING:

(A) THE COMMITTEE'S FULL NAME, SPELLING OUT ANY ACRONYMS USED IN THE NAME;

(B) THE NAME OF A NATURAL PERSON AUTHORIZED TO ACT AS A REGISTERED AGENT OF THE COMMITTEE;

(C) A STREET ADDRESS FOR THE PRINCIPAL PLACE OF BUSINESS OF THE COMMITTEE;

(D) THE PURPOSE OR NATURE OF INTEREST OF THE COMMITTEE; AND

(E) THE NAME OF THE FINANCIAL INSTITUTION IN WHICH, IN A SEPARATE ACCOUNT BEARING THE NAME OF THE COMMITTEE, ALL CONTRIBUTIONS RECEIVED BY THE COMMITTEE ARE DEPOSITED.

(II) A SMALL-SCALE ISSUE COMMITTEE DESCRIBED IN SUBSECTION (1.5)(b)(I) OF THIS SECTION IS NOT REQUIRED TO MAKE ANY DISCLOSURE ABOUT ANY CONTRIBUTIONS OR EXPENDITURES IT HAS MADE OR RECEIVED.

(c) (I) AT SUCH TIME AS AN ISSUE COMMITTEE THAT BEGAN AS A SMALL-SCALE ISSUE COMMITTEE ACCEPTS OR MAKES CONTRIBUTIONS OR EXPENDITURES IN AN

AGGREGATE AMOUNT DURING ANY APPLICABLE ELECTION CYCLE THAT EXCEEDS FIVE THOUSAND DOLLARS, THE COMMITTEE SHALL REPORT TO THE APPROPRIATE OFFICER, FOR EACH PARTICULAR CONTRIBUTION OR EXPENDITURE ACCEPTED OR MADE, THE NAME AND ADDRESS OF EACH PERSON WHO HAS MADE SUCH CONTRIBUTION AND THE AMOUNT OF EACH SPECIFIC CONTRIBUTION AND EXPENDITURE ACCEPTED OR MADE BY THE COMMITTEE.

(II) AT SUCH TIME AS ANY ISSUE COMMITTEE THAT BEGAN AS A SMALL-SCALE ISSUE COMMITTEE ACCEPTS OR MAKES CONTRIBUTIONS OR EXPENDITURES IN AN AGGREGATE AMOUNT DURING ANY APPLICABLE ELECTION CYCLE THAT EXCEEDS FIVE THOUSAND DOLLARS, THE COMMITTEE SHALL MAKE DISCLOSURE OF ANY CONTRIBUTIONS OR EXPENDITURES IT ACCEPTS OR MAKES ON OR AFTER THE DATE ON WHICH SUCH AGGREGATE AMOUNT EXCEEDS FIVE THOUSAND DOLLARS IN COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS UNDER THIS ARTICLE 45 PERTAINING TO THE DISCLOSURE BY AN ISSUE COMMITTEE OF ITS CONTRIBUTIONS OR EXPENDITURES ACCEPTED OR MADE.

(III) WITHIN FIFTEEN DAYS OF A SMALL-SCALE ISSUE COMMITTEE BECOMING SUBJECT TO THE APPLICABLE REQUIREMENTS GOVERNING AN ISSUE COMMITTEE UNDER THIS ARTICLE 45, THE COMMITTEE THROUGH ITS REGISTERED AGENT SHALL REPORT THIS CHANGE IN THE COMMITTEE'S STATUS TO THE SECRETARY OF STATE.

(8) (a) ANY EXPENDITURE OR SPENDING ON A COVERED COMMUNICATION THAT IS CONTROLLED BY OR COORDINATED WITH A CANDIDATE OR CANDIDATE'S AGENT OR A POLITICAL PARTY IS CONSIDERED BOTH A CONTRIBUTION BY THE MAKER OF THE EXPENDITURE OR SPENDING, AND AN EXPENDITURE BY THE CANDIDATE COMMITTEE.

(b) FOR PURPOSES OF THIS SUBSECTION (8), "COVERED COMMUNICATION" INCLUDES:

(I) A COMMUNICATION THAT EXPRESSLY ADVOCATES FOR THE ELECTION OR DEFEAT OF A CANDIDATE;

(II) AN ELECTIONEERING COMMUNICATION AS DEFINED IN SECTION 2 (7) OF ARTICLE XXVIII OF THE STATE CONSTITUTION AND SECTION 1-45-103 (9), OR REGULAR BIENNIAL ELECTIONEERING COMMUNICATION AS DEFINED IN SECTION 1-45-103 (15.5); AND

(III) A COMMUNICATION BY A POLITICAL ORGANIZATION THAT INFLUENCES OR ATTEMPTS TO INFLUENCE THE SELECTION, NOMINATION, ELECTION, OR APPOINTMENT OF A CANDIDATE TO PUBLIC OFFICE.

SECTION 5. In Colorado Revised Statutes, **amend** 1-45-108.3 as follows:

1-45-108.3. Issue committees - disclaimer. (1) ~~An issue committee~~ A CANDIDATE COMMITTEE, POLITICAL COMMITTEE, ISSUE COMMITTEE, SMALL DONOR COMMITTEE, POLITICAL ORGANIZATION, POLITICAL PARTY, OR OTHER PERSON making an expenditure in excess of OR SPENDING MORE THAN one thousand dollars PER CALENDAR YEAR on a communication that ~~supports or opposes a statewide ballot issue or ballot question~~ MUST BE DISCLOSED UNDER ARTICLE XXVIII OF THE STATE CONSTITUTION OR UNDER THIS ARTICLE 45 OR SUPPORTS OR OPPOSES A BALLOT ISSUE

OR BALLOT QUESTION, and that is broadcast, ~~by television or radio~~, printed, ~~in a newspaper or on a billboard~~, directly mailed, or delivered; ~~by hand to personal residences~~; PLACED ON A WEBSITE, STREAMING MEDIA SERVICE, OR ONLINE FORUM FOR A FEE; OR THAT IS otherwise distributed shall ~~disclose~~ INCLUDE in the communication ~~produced by the expenditure, the name of the issue committee making the expenditure~~ A DISCLAIMER STATEMENT IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

(2) ~~(a)~~ The disclaimer STATEMENT required by subsection (1) of this section ~~shall be printed on the communication clearly and legibly in a conspicuous manner~~ MUST CONFORM TO THE REQUIREMENTS SPECIFIED IN SECTION 1-45-107.5 (5) FOR CONTENT, SIZE, DURATION, AND PLACEMENT.

~~(b)~~ If the communication is broadcast on radio, the disclaimer shall be spoken at the beginning or end of the communication.

~~(c)~~ ~~(f)~~ If the communication is broadcast on television, the disclaimer shall be written or spoken at the beginning or end of the communication. If the disclaimer is written, it shall appear for at least four seconds of any communication broadcast on television.

~~(H)~~ The written disclaimer required by subparagraph (f) of this paragraph (c) shall appear in the communication in a conspicuous manner.

SECTION 6. Appropriation. For the 2019-20 state fiscal year, \$42,650 is appropriated to the department of state for use by the information technology division. This appropriation is from the department of state cash fund created in section 24-21-104 (3)(b), C.R.S. To implement this act, the division may use this appropriation for personal services.

SECTION 7. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to the portion of any election cycle or to the portion of the calendar year remaining after the effective date of this act and for any election cycle or calendar year commencing after such effective date, whichever is applicable.

Approved: May 29, 2019